

JS 44 (Rev. 12/07, NJ 5/08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

WILBRUN R. CREWS

DEFENDANTS

NCO FINANCIAL SYSTEMS, INC.

(b) County of Residence of First Listed Plaintiff _____

County of Residence of First Listed Defendant _____

(c) Attorney's (Firm Name, Address, Telephone Number and Email Address)

Craig Thor Kimmel, Esquire
Kimmel & Silverman, P.C.
30 E. Butler Pike
Ambler, PA 19002
(215) 540-8888

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. Section 1692

Brief description of cause:

Fair Debt Collection Practices Act

VII. REQUESTED IN COMPLAINT:
☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No**VIII. RELATED CASE(S)**

(See instructions):

JUDGE

DOCKET NUMBER

Explanation:

5/26/10

DATE

SIGNATURE OF ATTORNEY OF RECORD

UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 2241 Confederate Drive, Rural Hall, NC 27045
 Address of Defendant: 507 Prudential Road, Harsham, PA 19041
 Place of Accident, Incident or Transaction: 2241 Confederate Drive, Rural Hall, NC 27045
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
 Yes ☐ No ☒
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
 Yes ☐ No ☒
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
 Yes ☐ No ☒
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
 Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☒ All other Federal Question Cases 15 U.S.C § 1692
 (Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases
 (Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

- I, Craig Thor Kimmel, counsel of record do hereby certify:
- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: 5/26/10 Craig Thor Kimmel 57100
 Attorney-at-Law Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5/26/10 Craig Thor Kimmel 57100
 Attorney-at-Law Attorney I.D.#

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Wilburn R. Crews

CIVIL ACTION

v.

NCO Financial Systems, Inc.

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>5/26/10</u> Date	<u>Craig Ther-Kimmel</u> Attorney-at-law	<u>Wilburn R. Crews</u> Attorney for
<u>(215) 540-8888</u> Telephone	<u>800-863-11689</u> FAX Number	<u>kimmel@creditlaw.com</u> E-Mail Address

1 3. Defendant conducts business in the Commonwealth of Pennsylvania and
2 as such, personal jurisdiction is established.

3 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(1).

4 5. Declaratory relief is available pursuant to 28 U.S.C. §§ 2201 and 2202.
5

6 **PARTIES**

7 6. Plaintiff is a natural person residing in Rural Hall, North Carolina 27045.

8 7. Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1692a(3).

9 8. Defendant is a national debt collection company with its principal place
10 of business located at 507 Prudential Road, Horsham, Pennsylvania 19044.

11 9. Defendant is a “debt collector” as that term is defined by 15 U.S.C. §
12 1692a(6), and repeatedly contacted Plaintiff in its attempts to collect a debt.

13 10. Defendant acted through its agents, employees, officers, members,
14 directors, heirs, successors, assigns, principals, trustees, sureties, subrogees,
15 representatives, and insurers.
16

17 **PRELIMINARY STATEMENT**

18
19 11. The Fair Debt Collection Practices Act (“FDCPA”) is a comprehensive
20 statute, which prohibits a catalog of activities in connection with the collection of
21 debts by third parties. See 15 U.S.C. § 1692 *et seq.* The FDCPA imposes civil
22 liability on any person or entity that violates its provisions, and establishes general
23 standards of debt collector conduct, defines abuse, and provides for specific
24 consumer rights. 15 U.S.C. § 1692k. The operative provisions of the FDCPA
25 declare certain rights to be provided to or claimed by debtors, forbid deceitful and

1 misleading practices, prohibit harassing and abusive tactics, and proscribe unfair or
2 unconscionable conduct, both generally and in a specific list of disapproved
3 practices.

4 12. In particular, the FDCPA broadly enumerates several practices
5 considered contrary to its stated purpose, and forbids debt collectors from taking
6 such action. The substantive heart of the FDCPA lies in three broad prohibitions.
7 First, a “debt collector may not engage in any conduct the natural consequence of
8 which is to harass, oppress, or abuse any person in connection with the collection
9 of a debt.” 15 U.S.C. § 1692d. Second, a “debt collector may not use any false,
10 deceptive, or misleading representation or means in connection with the collection
11 of any debt.” 15 U.S.C. § 1692e. And third, a “debt collector may not use unfair
12 or unconscionable means to collect or attempt to collect any debt.” 15 U.S.C. §
13 1692f. The FDCPA is designed to protect consumers from unscrupulous
14 collectors, whether or not there exists a valid debt, broadly prohibits unfair or
15 unconscionable collection methods, conduct which harasses, oppresses or abuses
16 any debtor, and any false, deceptive or misleading statements in connection with
17 the collection of a debt.

18 13. In enacting the FDCPA, the United States Congress found that “[t]here is
19 abundant evidence of the use of abusive, deceptive, and unfair debt collection
20 practices by many debt collectors,” which “contribute to the number of personal
21 bankruptcies, to marital instability, to the loss of jobs, and to invasions of
22 individual privacy.” 15 U.S.C. § 1692a. Congress additionally found existing
23 laws and procedures for redressing debt collection injuries to be inadequate to
24 protect consumers. 15 U.S.C. § 1692b.
25

1 14. Congress enacted the FDCPA to regulate the collection of consumer
2 debts by debt collectors. The express purposes of the FDCPA are to “eliminate
3 abusive debt collection practices by debt collectors, to insure that debt collectors
4 who refrain from using abusive debt collection practices are not competitively
5 disadvantaged, and to promote consistent State action to protect consumers against
6 debt collection abuses.” 15 U.S.C. § 1692e.

7 8 **FACTUAL ALLEGATIONS**

9 15. Beginning in September 2008, through February 2010, Defendant and
10 others it retained constantly and continuously placed harassing telephone calls to
11 Plaintiff in an effort to collect an alleged debt.

12 16. The alleged debt Defendant was seeking to collect arose out of
13 transactions which were primarily for personal, family, or household purposes.

14 17. Defendant and others it retained repeatedly placed calls to Plaintiff's
15 home telephone all throughout the day and at inconvenient times, such as on
16 holidays.

17 18. Defendant left voice messages on Plaintiff's home answering machine,
18 available for anyone in the household to access.

19 19. Plaintiff instructed Defendant to stop calling him; however, Defendant
20 ignored Plaintiff's instructions, and continued to contact him, causing him to
21 receive on average of two (2) collection calls a day.

22 20. During one call in particular, Defendant misrepresented the status of the
23 debt, offering to settle the debt, making Plaintiff believe that litigation was
24 anticipated or pending against him.

1 21. In an effort to stop the repetitive calls from Defendant, Plaintiff enrolled
2 in a debt consolidation program through Genesis.

3 22. On Plaintiff's behalf, Genesis negotiated a repayment plan with
4 Defendant for the alleged debt.

5 23. Plaintiff made timely, monthly payments to Genesis, which were paid to
6 and accepted by Defendant.

7 24. Then, on or about February 25, 2010, Defendant contacted Plaintiff
8 contending that he did not make his monthly payment.

9 25. Defendant offered to settle the alleged debt with Plaintiff for \$403.31.

10 26. This was confusing and misleading to Plaintiff as his payments to
11 Genesis had regularly been debited out of his banking account on the 26th of each
12 month, and thereafter, payment was made to Defendant, but Defendant, suddenly,
13 was calling prior to his payment due date.

14 27. Plaintiff again instructed Defendant not to contact him, but rather to
15 contact Genesis and that the calls were harassing as he was adhering to the
16 agreement reached between him, through Genesis, and Defendant.

17 28. Despite making regular payments on the account, Defendant still
18 continues to call Plaintiff in an attempt to collect the alleged debt.

19 29. The repetitive calls to Plaintiff were disturbing, harassing, and an
20 invasion of privacy.

21
22 **CONSTRUCTION OF APPLICABLE LAW**

23 30. The FDCPA is a strict liability statute. Taylor v. Perrin, Landry,
24 deLaunay & Durand, 103 F.3d 1232 (5th Cir. 1997). "Because the Act imposes
25 strict liability, a consumer need not show intentional conduct by the debt collector

1 to be entitled to damages.” Russell v. Equifax A.R.S., 74 F. 3d 30 (2nd Cir. 1996);
2 see also Gearing v. Check Brokerage Corp., 233 F.3d 469 (7th Cir. 2000) (holding
3 unintentional misrepresentation of debt collector’s legal status violated FDCPA);
4 Clomon v. Jackson, 988 F. 2d 1314 (2nd Cir. 1993).

5 31. The FDCPA is a remedial statute, and therefore must be construed
6 liberally in favor of the debtor. Sprinkle v. SB&C Ltd., 472 F. Supp. 2d 1235
7 (W.D. Wash. 2006). The remedial nature of the FDCPA requires that courts
8 interpret it liberally. Clark v. Capital Credit & Collection Services, Inc., 460 F. 3d
9 1162 (9th Cir. 2006). “Because the FDCPA, like the Truth in Lending Act (TILA)
10 15 U.S.C § 1601 *et seq.*, is a remedial statute, it should be construed liberally in
11 favor of the consumer.” Johnson v. Riddle, 305 F. 3d 1107 (10th Cir. 2002).

12 32. The FDCPA is to be interpreted in accordance with the “least
13 sophisticated” consumer standard. See Jeter v. Credit Bureau, Inc., 760 F.2d 1168
14 (11th Cir. 1985); Graziano v. Harrison, 950 F. 2d 107 (3rd Cir. 1991); Swanson v.
15 Southern Oregon Credit Service, Inc., 869 F.2d 1222 (9th Cir. 1988). The FDCPA
16 was not “made for the protection of experts, but for the public - that vast multitude
17 which includes the ignorant, the unthinking, and the credulous, and the fact that a
18 false statement may be obviously false to those who are trained and experienced
19 does not change its character, nor take away its power to deceive others less
20 experienced.” Id. The least sophisticated consumer standard serves a dual purpose
21 in that it ensures protection of all consumers, even naive and trusting, against
22 deceptive collection practices, and protects collectors against liability for bizarre or
23 idiosyncratic interpretations of collection notices. Clomon, 988 F. 2d at 1318.

COUNT I
DEFENDANT VIOLATED THE
FAIR DEBT COLLECTION PRACTICES ACT

33. Defendant violated the FDCPA in the following ways:

- a. Communicating with the Plaintiff at a time known to be inconvenient to Plaintiff, specifically on a holiday, in violation of 15 U.S.C. § 1692c(1);
- b. Harassing, oppressing, or abusing Plaintiff in connection with the collection of a debt, in violation of 15 U.S.C. § 1692d;
- c. Causing Plaintiff's telephone to ring or engaging Plaintiff in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass Plaintiff, in violation of 15 U.S.C. § 1692d(5);
- d. Using false, deceptive, and misleading representations or means in connection with the collection of a debt, in violation of 15 U.S.C. § 1692e;
- e. Falsely representing the amount of the alleged debt, in violation of 15 U.S.C. § 1692e(2)(A);
- f. Using false representations and deceptive means to collect or attempt to collect any debt, in violation of 15 U.S.C. § 1692e(10);
- g. Using unfair and unconscionable means to collect a debt, in violation of 15 U.S.C. § 1692f; and
- h. Attempting to collect an amount not expressly authorized by the agreement creating the debt and not permitted by law, in violation of 15 U.S.C. § 1692f(1).

1 34. As a result of the above violations of the FDCPA, Defendant is liable to
2 Plaintiff in the sum of Plaintiff's actual damages, statutory damages, and attorney's
3 fees and costs.

4
5 **WHEREFORE**, Plaintiff, WILBURN R. CREWS, respectfully prays for a
6 judgment as follows:
7

- 8 a. Declaratory judgment that Defendant's conduct violated the
9 FDCPA;
 - 10 b. All actual compensatory damages suffered pursuant to 15
11 U.S.C. § 1692k(a)(1);
 - 12 c. Statutory damages of \$1,000.00 for each violation of the
13 FDCPA pursuant to 15 U.S.C. § 1692k(a)(2)(A);
 - 14 d. All reasonable attorneys' fees, witness fees, court costs and
15 other litigation costs incurred by Plaintiff pursuant to 15 U.S.C.
16 § 1692k(a)(3); and
 - 17 e. Any other relief deemed appropriate by this Honorable Court.
- 18

19 **JURY DEMAND**

20 Pursuant to Civil Rule 38, Plaintiff hereby demands a trial by jury on all
21 issues in this action, and any issues relating to the amount of attorneys' fees and
22 litigation costs to be awarded should Plaintiff prevail on any of her claims in this
23 action.
24
25

1 RESPECTFULLY SUBMITTED,
2 DATED: May 26, 2010 KIMMEL & SILVERMAN, P.C..
3

4 By: /s/ Craig Thor Kimmel
5 Craig Thor Kimmel
6 Attorney ID # 57100
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